

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

D'MONTEIRIO GIBSON,

Plaintiff,

V.

FEDERAL EXPRESS CORPORATION,

Defendant.

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) CIVIL ACTION No. 5:24CV40-DCB-LGI

DEFENDANT FEDERAL EXPRESS CORPORATION'S  
MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Fed. R. Civ. P. 12(c), Defendant Federal Express Corporation (“FedEx”) moves the Court to grant this Motion for Judgment on the Pleadings to dismiss Plaintiff D’Monterrio Gibson’s (“Gibson”) Complaint (DE 1). The sole claim against FedEx is for intentional infliction of emotional distress (“IIED”). This claim should be dismissed with prejudice because the allegations in the Complaint do not allege FedEx engaged in outrageous and extreme conduct to sustain an IIED claim, and Gibson’s claim is barred by the Mississippi Workers’ Compensation Act’s exclusivity provision. For these reasons, FedEx respectfully moves the Court to dismiss Gibson’s IIED *with prejudice* and award FedEx such other relief to which it may be entitled.

FedEx attaches the following exhibit to this motion:

Exhibit A – March 11, 2022 Petition to Controvert filed with the Mississippi Workers’ Compensation Commission.

Dated: April 22, 2024

*s/ Michael C. Williams*  
Michael Williams (MS Bar #104537)  
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Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2024, a copy of the foregoing was served on the parties listed below via the Court's ECF System:

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*s/ Michael C. Williams*